

**TOWN OF SOUTHEAST**  
**1360 Route 22**  
**Brewster, New York 10509**  
**Thursday, September 22, 2016**  
**WORK SESSION/REGULAR MEETING 7:00 P.M.**

**Pledge of Allegiance**

**Notation of Exits**

**Turn Off/Put on Vibrate – All Electronic Devices**

**Public Hearing:**

1. Birch Hill - Highview Water District
2. Barrett Hill – Local Law to establish “Multifamily Work Force Housing District”
3. Barrett Hill – Local Law to map the “Multifamily Work Force Housing District”
4. Guardian Veterinary Management, LLC – Special Permit

**Work Session:**

1. Discussion – Peddling and Solicitation

**Regular Meeting:**

1. Correspondence
2. Approval of Voucher List
3. Setting of Meeting Dates and Public Hearings

All meetings will be held at 1360 Route 22, Brewster, New York  
At 7:00 P.M. unless otherwise noted:

Thursday, October 6, 2016  
Thursday, October 20, 2016

4. Budget Transfers
5. Resolution – Adopting Local Law Amending Town Code Chapter 131 (“Vehicles and Traffic)
6. Resolution – Adopting Local Law Amending Town Code Chapter 138-Zoning
7. Resolution – Adopting Local Law Amending Zoning Map – Barrett Hill
8. Resolution – Guardian Veterinary Management, LLC – Special Permit
9. Supervisor’s Financial Report

**Recognition of Public/Public Comment**

**Recognition of Town Board/Town Board Comment**

P# 1

RESOLUTION # 61 / 2016

INTRODUCED BY: SUPERVISOR HAY

SECONDED BY: COUNCILWOMAN HUDAK

TOWN BOARD  
TOWN OF SOUTHEAST  
STATE OF NEW YORK

-----X  
IN THE MATTER PURSUANT TO TOWN LAW  
ARTICLE 12-A FOR THE ESTABLISHMENT OF  
AN IMPROVEMENT DISTRICT TO BE KNOWN  
AS THE **BIRCH HILL-HIGHVIEW WATER**  
**DISTRICT** WHOLLY WITHIN THE TOWN OF  
SOUTHEAST, NEW YORK

**ORDER CALLING FOR**  
**PUBLIC HEARING**

-----X

**WHEREAS**, the Town Board of the Town of Southeast, New York (the "Town"), duly adopted a resolution directing Nathan L. Jacobson & Associates, the Town Engineer, to supervise the preparation of a map, plan and report for providing the facilities, improvements or services in a portion of the Town wherein a water district was proposed to be established and known as Birch Hill-Highview Water District, and

**WHEREAS**, the Town Engineer filed a map, plan and report for providing the facilities, improvements or services in a portion of the Town wherein a water district was proposed to be established, and

**WHEREAS**, the boundaries and tax parcels to be included in the proposed water district are annexed hereto as Schedule A; and

**WHEREAS**, the improvements proposed are the upgrade and improvement of the existing Birch Hill Water Company, a Transportation Corporation which served residents on Birch Hill Road, which has been conveyed to the Town, together with certain private facilities which previously supplied water to residents on Highview Terrace, and

**WHEREAS**, the maximum amount proposed to be expended for such improvement is \$275,000; and

**WHEREAS**, the proposed method to be employed for financing such improvement is as follows: real property tax assessments, municipal notes and bonds; and

**WHEREAS**, there are no hook-up fees associated with this improvement; and

**WHEREAS**, the estimated cost of said district to the typical property is \$1,400.00 per year; and

**WHEREAS**, a map, plan and report describing such improvement are on file in the office of the Town Clerk for public inspection, it is

**ORDERED**, that the Town Board shall meet at the Town Hall, 1360 Route 22, Brewster, New York, on the 22<sup>nd</sup> day of September, 2016, at 7:00 p.m., a date which is not less than ten (10) nor more than twenty (20) days from publication of this Order, for the purpose of conducting a public hearing on the proposal to establish said Birch Hill-Highview Water District pursuant to Article 12-A of the Town Law with the improvements specified above together with the environmental significance thereof pursuant to the New York State Environmental Quality Review Act ("SEQRA"), at which time and place all persons interested in the subject thereof may be heard concerning the same, and it is further

**ORDERED**, that the Town Clerk is hereby authorized and directed to publish a copy of this order in The Putnam Press, the official Town newspaper and post a copy of the same on the signboard of the Town, in the time and manner required by law.

By Order of the Town Board  
Michele Stancati, Town Clerk

#### SCHEDULE "A"

The following Tax Lots are proposed to be included in the Birch Hill-Highview Water District:

67.15-1-7	67.15-2-1
67.15-1-8	67.15-2-2
67.15-1-9	67.15-2-3
67.15-1-10	67.15-2-4
67.15-1-11	67.15-2-5
67.15-1-12	67.15-2-6
67.15-1-13	
67.15-1-14	
67.15-1-15	
67.15-1-16	
67.15-1-17	
67.15-1-18	
67.15-1-19	
67.15-1-20	
67.15-1-21	
67.15-1-22	
67.15-1-23	
67.15-1-25	
67.15-1-26	
67.15-1-30	

UPON ROLL CALL VOTE:

Councilman Alvarez	<u>Aye</u>
Councilman Cullen	<u>Aye</u>
Councilwoman Eckardt	<u>Aye</u>
Councilwoman Hudak	<u>Aye</u>
Supervisor Hay	<u>Aye</u>

VOTE: carried by a vote of 5 in favor, 0 against; 0 abstained.

# **TOWN CLERK'S CERTIFICATION**

STATE OF NEW YORK     )  
                                      : ss.:  
COUNTY OF PUTNAM     )

I, MICHELE STANCATI, Town Clerk of the Town of Southeast, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town of Southeast at a meeting of said board held the 18th day of August, 2016.

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MICHELE STANCATI  
Town Clerk

PH #2

## PUBLIC NOTICE

**PLEASE TAKE NOTICE** On September 22, 2016 the Town Board of the Town of Southeast shall hold a Public Hearing at the Civic Center, 1360 Route 22, Brewster, NY at 7:00 PM or as soon thereafter as interested parties may be heard, pursuant to the Municipal Home Rule Law to consider a proposed local law which would amend Chapter 138 of the Town Code ("Zoning") by adding a new section to create a "floating zone" applicable to properties currently zoned OP-2 to designate eligible properties as a **"Multifamily Work Force Housing District."** Such proposed local law would establish additional criteria for eligibility for designation as a Multifamily Work Force Housing District; establish permitted uses pursuant to Special Permit of multifamily residential structures and single family (attached and detached) dwellings; establish standards for grant of special permits including minimum numbers of designated "Priority Units"; establish dimensional, bulk and minimum parking standards; establish selection and "affordability" standards for priority and affordable housing opportunities. Copies of the proposed local law may be obtained from the office of the Town Clerk during normal business hours. All persons having an interest in the foregoing matters will be given an opportunity to be heard at this time.

By Order of the Town Board  
Michele Stancati, Town Clerk

PH #3

## PUBLIC NOTICE

**PLEASE TAKE NOTICE** On September 22, 2016 the Town Board of the Town of Southeast shall hold a Public Hearing at the Civic Center, 1360 Route 22, Brewster, NY at 7:00 PM or as soon thereafter as interested parties may be heard, pursuant to the Municipal Home Rule Law to consider a proposed local law which would map and reclassify property zoned as OP-2 to a **"Multifamily Work Force Housing District."** The local law pertains to a 29 acre parcel located at 41 Mt. Ebo Road North, Brewster, New York (Tax Map No. 46-5-2), on which there is proposed a project known as Barrett Hill. Copies of the proposed local law may be obtained from the office of the Town Clerk during normal business hours. All persons having an interest in the foregoing matters will be given an opportunity to be heard at this time.

By Order of the Town Board  
Michele Stancati, Town Clerk

PA #4

### **PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that the Town Board of the Town of Southeast shall hold a public hearing on September 22, at 7:00 PM, or as soon thereafter as interested parties may be heard, at Town Hall, 1360 Route 22, Brewster, NY, to consider the application of GUARDIAN VETERINARY SPECIALISTS, owner / tenant of premises located at 4 Hardscrabble Heights, Tax Map 78.-2-83, which seeks a Special Permit to allow an emergency animal hospital be established in the subject premises in an OP-1 zoning district. All persons interested in the subjection matter hereof will be given an opportunity to be heard at that time.

By Order of the Town Board  
Michele Stancati, Town Clerk



WS #1

## Chapter 103

### PEDDLING AND SOLICITING

§ 103-1. Title; legislative findings.

§ 103-3. Definitions.

§ 103-2. Peddling and soliciting prohibited.

§ 103-4. Exemptions.

§ 103-5. Penalties for offenses.

[HISTORY: Adopted by the Town Board of the Town of Southeast 12-19-2002 by L.L. No. 8-2002. Amendments noted where applicable.]

#### GENERAL REFERENCES

Bills and posters — See Ch. 46.  
Christmas tree sales — See Ch. 57.

Zoning — See Ch. 138.

#### § 103-1. Title; legislative findings.

This chapter shall be known and be cited as the "Peddling, Vending and Soliciting Law of the Town of Southeast." It is hereby found and determined that the act of peddling, vending and soliciting within the Town has a significant impact upon the quality of life of the residents of the Town, including the health, safety and welfare thereof. It is further found that the unregulated act of peddling, vending and soliciting presents a significant disadvantage to other established businesses within the Town which pay rent, taxes, expenses and fees for the privilege of doing business within the Town and should, therefore, not be condoned or permitted.

#### § 103-2. Peddling and soliciting prohibited.

Except as may be otherwise permitted by general or special law, it shall be unlawful for any person, corporation, partnership, company, unincorporated association, agent or principal thereof, or any other entity to engage in or act as a peddler, vendor, solicitor or commercial traveler, as herein defined, within the jurisdictional boundaries of the Town of Southeast.

#### § 103-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**COMMERCIAL TRAVELER** — A person or entity doing business through the act of renting a room or suite of rooms in a hotel, motel or inn, commercial building or private dwelling or open space, including a parking lot, for temporary occupancy which does not exceed 60 days, for the purpose of using said premises to sell, offer for sale or solicit orders for goods, services, merchandise or money to or from members of the public.

R # 5

**TOWN BOARD  
TOWN OF SOUTHEAST, NEW YORK**

**RESOLUTION ADOPTING LOCAL LAW  
AMENDING TOWN CODE CHAPTER 131 – VEHICLES & TRAFFIC**

RESOLUTION NO. \_\_\_\_\_ /2016

DATE: September 22, 2016

INTRODUCED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

**WHEREAS**, a resolution having been adopted by the Town Board of the Town of Southeast for a public hearing to be held by said Town Board to hear all interested parties on a proposed local law which would amend Chapter 131 (“Vehicles & Traffic”), Article IV (“Commuter Parking”) Section 131-20 (“Parking Prohibited certain hours”) of the Town Code to remove the prohibition on parking in commuter lots between the hours of 3:00 a.m. and 6:00 a.m.; and

**WHEREAS**, notice of said public hearing was advertised in an official newspaper of the Town of Southeast in the manner prescribed by law, such public hearing was held on September 8, 2016 and all interested persons were given an opportunity to be heard at that time; and

**WHEREAS**, it is the sense of this Town Board that the proposed local law will help promote the general health, safety and welfare of the public.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Town Board of the Town of Southeast hereby adopts Local Law No. 5 of 2016 pursuant to the Municipal Home Rule Law amending Chapter 131 (“Vehicles & Traffic”), Article IV (“Commuter Parking”) Section 131-20 (“Parking Prohibited certain hours”) of the Town Code to remove the prohibition on parking in commuter lots between the hours of 3:00 a.m. and 6:00 a.m.; and be it further

**RESOLVED**, that the Town Clerk be and hereby is authorized and directed to (a) enter said Local Law in the minutes of this meeting and in the Code Book of the Town of Southeast; and (b) give due notice of the adoption of said local law by filing such with the Secretary of State of New York within the time required by law.

**UPON A ROLL CALL VOTE:**

Councilman Alvarez	_____
Councilwoman Eckardt	_____
Councilman Cullen	_____
Councilwoman Hudak	_____
Supervisor Hay	_____

VOTE: Resolution \_\_\_\_\_, by a vote of \_\_\_\_\_, to \_\_\_\_\_, \_\_\_\_\_ abstained.

## **TOWN CLERK'S CERTIFICATION**

STATE OF NEW YORK     )  
                                      : ss.:  
COUNTY OF PUTNAM     )

I, MICHELE STANCATI, Town Clerk of the Town of Southeast, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town of Southeast at a meeting of said board held the 22<sup>nd</sup> day of September, 2016.

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MICHELE STANCATI  
Town Clerk

RC #6

**TOWN BOARD  
TOWN OF SOUTHEAST, NEW YORK**

**RESOLUTION ADOPTING LOCAL LAW  
AMENDING TOWN CODE CHAPTER 138 – ZONING**

RESOLUTION NO. \_\_\_\_\_/2016

DATE: September 22, 2016

INTRODUCED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

**WHEREAS**, a resolution having been adopted by the Town Board of the Town of Southeast for a public hearing to be held by said Town Board to hear all interested parties on a proposed local law which would amend Chapter 138 of the Code of the Town of Southeast entitled Zoning, to amend section 138-5 of the Zoning Code to establish the Multifamily Work Force Housing District, and add a new section 138-63.10 to create a “floating zone” applicable to properties currently zoned OP-2 to designate eligible properties as a “Multifamily Work Force Housing District”; establish additional criteria for eligibility for designation as a Multifamily Work Force Housing District; establish permitted uses pursuant to Special Permit of multifamily residential structures and single family (attached and detached) dwellings; establish standards for grant of special permits including minimum numbers of designated “Priority Units”; establish dimensional, bulk and minimum parking standards; and establish selection and “affordability” standards for priority and affordable housing opportunities; and

**WHEREAS**, notice of said public hearing was advertised in an official newspaper of the Town of Southeast in the manner prescribed by law, such public hearing was held on September 22, 2016 and all interested persons were given an opportunity to be heard at that time; and

**WHEREAS**, it is the sense of this Town Board that the proposed local law will help promote the general health, safety and welfare of the public.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Town Board of the Town of Southeast hereby adopts Local Law No. 6 of 2016 pursuant to the Municipal Home Rule Law to amend Chapter 138-5 to establish the Multifamily Work Force Housing District and by adding a new section 138-63.10 to create a “floating zone” applicable to properties currently zoned OP-2 to designate eligible properties as a “Multifamily Work Force Housing District”; establish additional criteria for eligibility for designation as a Multifamily Work Force Housing District; establish permitted uses pursuant to Special Permit of multifamily residential structures and single family (attached and detached) dwellings; establish standards for grant of special permits including minimum numbers of designated “Priority Units”; establish dimensional, bulk and minimum parking standards; establish selection and “affordability” standards for priority and affordable housing opportunities; and be it further

**RESOLVED**, that the Town Clerk be and hereby is authorized and directed to (a) enter said Local Law in the minutes of this meeting and in the Code Book of the Town of Southeast; and (b) give due notice of the adoption of said local law by filing such with the Secretary of State of New York within the time required by law.

**UPON A ROLL CALL VOTE:**

Councilman Alvarez \_\_\_\_\_  
Councilwoman Eckardt \_\_\_\_\_  
Councilman Cullen \_\_\_\_\_  
Councilwoman Hudak \_\_\_\_\_  
Supervisor Hay \_\_\_\_\_

VOTE: Resolution \_\_\_\_\_, by a vote of \_\_\_\_\_, to \_\_\_\_\_, \_\_\_\_\_ abstained.

**TOWN CLERK'S CERTIFICATION**

STATE OF NEW YORK     )  
                                  : ss.:  
COUNTY OF PUTNAM     )

I, MICHELE STANCATI, Town Clerk of the Town of Southeast, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town of Southeast at a meeting of said board held the 22<sup>nd</sup> day of September, 2016.

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MICHELE STANCATI  
Town Clerk

R # 7

**TOWN BOARD  
TOWN OF SOUTHEAST, NEW YORK**

**RESOLUTION ADOPTING LOCAL LAW  
AMENDING ZONING MAP – BARRETT HILL**

RESOLUTION NO. \_\_\_\_\_ /2016

DATE: September 22, 2016

INTRODUCED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

**WHEREAS**, a resolution having been adopted by the Town Board of the Town of Southeast for a public hearing to be held by said Town Board to hear all interested parties on a proposed local law which would amend Chapter 138 of the Code of the Town of Southeast entitled Zoning, to consider a proposed local law amend section 138-6 of the Zoning Code (“Zoning Map”) and the Zoning Map authorized thereunder to map and reclassify property described as 29 acre parcel located at 41 Mt. Ebo Road North, Brewster, New York (Tax Map No. 46-5-2) currently zoned as OP-2 to a “Multifamily Work Force Housing District”; and

**WHEREAS**, notice of said public hearing was advertised in an official newspaper of the Town of Southeast in the manner prescribed by law, such public hearing was held on September 22, 2016 and all interested persons were given an opportunity to be heard at that time; and

**WHEREAS**, it is the sense of this Town Board that the proposed local law will help promote the general health, safety and welfare of the public.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Town Board of the Town of Southeast hereby adopts Local Law No. 7 of 2016 pursuant to the Municipal Home Rule Law amending law section 138-6 of the Zoning Code (“Zoning Map”) and the Zoning Map authorized thereunder, to map and reclassify property described as a 29 acre (+/-) parcel located at 41 Mt. Ebo Road North, Brewster, New York (Tax Map No. 46-5-2) currently zoned as OP-2 to a “Multifamily Work Force Housing District”; and be it further

**RESOLVED**, that the Town Clerk be and hereby is authorized and directed to (a) enter said Local Law in the minutes of this meeting and in the Code Book of the Town of Southeast (b) cause the Zoning Map of the Town of Southeast to be amended to reflect the adoption of this Local Law; and (c) give due notice of the adoption of said local law by filing such with the Secretary of State of New York within the time required by law.

**UPON A ROLL CALL VOTE:**

Councilman Alvarez \_\_\_\_\_  
Councilwoman Eckardt \_\_\_\_\_  
Councilman Cullen \_\_\_\_\_  
Councilwoman Hudak \_\_\_\_\_  
Supervisor Hay \_\_\_\_\_

VOTE: Resolution \_\_\_\_\_, by a vote of \_\_\_\_\_, to \_\_\_\_\_, \_\_\_\_\_ abstained.

**TOWN CLERK'S CERTIFICATION**

STATE OF NEW YORK     )  
                                      : ss.:  
COUNTY OF PUTNAM     )

I, MICHELE STANCATI, Town Clerk of the Town of Southeast, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town of Southeast at a meeting of said board held the 22<sup>nd</sup> day of September, 2016.

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MICHELE STANCATI  
Town Clerk

R-#8

**TOWN BOARD  
TOWN OF SOUTHEAST, NEW YORK**

**SPECIAL PERMIT REQUEST  
GUARDIAN VETERINARY MANAGEMENT, LLC**

RESOLUTION NO. \_\_\_\_\_ / 2016

DATE: September 22, 2016

INTRODUCED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

**WHEREAS**, Guardian Veterinary Management, LLC, owner/tenant of a portion of premises located at 4 Hardscrabble Heights Drive, Tax Map No. 78.-2-83, (the "Subject Premises") has made application to this Town Board for a Special Permit to allow the use of the Subject Premises as an emergency animal hospital; and

**WHEREAS**, the Subject Premises are located in an OP-1 zone; and

**WHEREAS**, animal hospitals are only permitted in a OP-1 zone upon the grant of a Special Permit by the Town Board; and

**WHEREAS**, the Town Board is in receipt of a report and recommendation from the Southeast Planning Board wherein the Planning Board has recommended the grant of the Special Permit and has found that the proposal of Guardian Veterinary Management, LLC is in compliance with the applicable general and special standards of Article X of Chapter 138 of the Town Code; and

**WHEREAS**, the Planning Board, as Lead Agency for purposes of State Environmental Quality Review Act ("SEQRA") and has adopted a Negative Declaration indicating that the project is not likely to adversely affect the environment; and

**WHEREAS**, a duly noticed public hearing was held by the Town Board on September 22, 2016 in connection with this application and all interested parties have been given an adequate opportunity to be heard in this regard,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Southeast hereby makes the following findings of fact in connection with the instant application:

1. The proposed use is in such location and is a size and character that it will be in harmony with the appropriate and orderly development of the surrounding district and will not be detrimental to the immediate site or adjacent properties;



2. The location and size of the proposed use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout, and its relation to access streets will be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous;

3. The exterior appearance of the building will not hinder or discourage the development and use of adjacent land and buildings; and

4. The proposed use will not require such additional public facilities or services or create fiscal burdens upon the Town greater than those which characterize uses permitted as of right.

**AND BE IT FURTHER**

**RESOLVED**, that based upon the foregoing findings, the Town Board of the Town of Southeast hereby grants a Special Use Permit to the Subject Premises in accordance with Statement of Use prepared and submitted to the Planning Board in connection with this Project Development Plan application and incorporated herein by reference, on the following conditions:

1. The applicant shall operate the facility in compliance with all conditions set forth in Article X of the Zoning Code; and

2. There shall be no outdoor display or storage of merchandise, equipment or other items used in connection with or for sale by the establishment and all signs or advertising in connection with the subject enterprise shall comply with the provisions of the Zoning Code.

And be it further

**RESOLVED**, that the Town Clerk is hereby authorized and directed to forward a certified copy of this resolution to Guardian Veterinary Management, LLC; to the owner of record of the Subject Premises; to the Secretary of the Town of Southeast Planning Board; and to the Southeast Building Department, forthwith.

**UPON A ROLL CALL VOTE:**

Councilman Alvarez	_____
Councilman Cullen	_____
Councilwoman Eckardt	_____
Councilwoman Hudak	_____
Supervisor Hay	_____

VOTE: carried / defeated by a vote of \_\_\_\_\_ in favor, \_\_\_\_\_ against; \_\_\_\_\_ abstained.

**TOWN CLERK'S CERTIFICATION**

STATE OF NEW YORK     )  
                                      : ss.:  
COUNTY OF PUTNAM     )

I, MICHELE STANCATI, Town Clerk of the Town of Southeast, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town of Southeast at a meeting of said board held the 22<sup>nd</sup> day of September, 2016.

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MICHELE STANCATI  
Town Clerk